

135

For vacating the Alley west of
 Fairfield Ave. from Brighton
 Ave. to 1st Alley south of Brighton
 Ave.

Plat approved Nov. 19th 1906

Resolution adopted Nov. 19th 1906

Res. confirmed Dec. 20th 1906

Assent Roll of B. & D. approved Dec. 20th 06

Assent Roll of B. & D.

confirmed Jan. 10th 1907

Fort Wayne, Indiana, November 19th, 1906.

DECLARATORY RESOLUTION NO. 135- 1906.

For the vacation of the alley west of Fairfield Avenue from Creighton Avenue to the alley south of Creighton Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley west of Fairfield Avenue from Creighton Avenue to the alley south of Creighton Avenue, and the first alley south of Creighton Avenue from the west line of lot 5 in Walnut Place Addition to the first alley west of Fairfield Avenue.

All as shown by a plan of such proposed vacation now on file in the office of the Department of Public Works of said city. The cost of said vacation and all expenses connected therewith to be assessed against the property beneficially affected thereby.

All of said property affected being situated in the City of Fort Wayne, County of Allen, and State of Indiana.

Attest

H. W. Becker
Clerk.

J. J. Lenson
Henry Schuchert
James Brosius
Board of Public Works.

PLAN- OF THE VACATION OF THE
ALLEY WEST OF FAIRFIELD AVE.
FROM CREIGHTON AVE. TO THE
ALLEY SOUTH OF CREIGHTON AVE.
ALSO FOR THE VACATION OF THE
ALLEY SOUTH OF CREIGHTON AVENUE
IN THE REAR OF LOT N° 5 WALNUT PLACE
DEC. RES. N° 135 1906



To the Board of Public Works of the City of Fort Wayne:

Gentlemen:-

We, the undersigned, are the owners of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), seven (7), Eight (8) and Block "A", of Walnut Place, in the City of Fort Wayne, Allen County, Indiana; that we petition this Honorable Body to vacate the alley between Lots One, two, three and four of Walnut Place and Lot five of Walnut Place, extending from Creighton Avenue South to the North line of Block "A", Walnut Place. That said alley is of no public utility and the vacation of the same will not injury the public or any individuals rights or interests.

Therefore, we ask that the Board institute proceedings to vacate said alley in accordance with this petition.

David A. Foster } Owners of Block "A"
Sara F. Foster }
James M. Franette } owners of Lot 6 Walnut Place
Marion A. Barrett }
Charles C. Bond owner of Lot 5 " "
Pearl Foster Rahr owner of Lot 4 " "
Chas H. Guldlin } owners of lots 1-2-3 & 7-8-10-11-
Addie B. Guldlin }

FORM 4-10 M-12-3.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD.

~~BEYER, EGGMANN, CHAIRMAN.~~
~~BEYER, EGGMANN.~~
~~J. W. BEYER, CLERK.~~
~~A. M. BEYER, CLERK.~~

FORT WAYNE, November 2nd, 1906.

Mr F M Randall,
City Civil Engineer.

Dear Sir:

Please prepare a plat for the vacation of alley between lots, 1,2,3, and 4 Walnut Place, and lot 5 Walnut Place from Creighton Avenue to the north line of Block "A", Walnut Place.

By order of the,

BOARD OF PUBLIC WORKS.

By W. W. Becker
Clerk.

No.

vs.

Petition to vacate Alley
between Lots 1-2-3-4
Walnut Place and lot 5th
Walnut Place from Brighton
Avenue to the north line of
Block "A." Walnut Place.

Filed Oct. 25th 1906
Plat ordered Nov. 12th 1906

WM. H. SHAMBAUGH.

Att'y for Petitioner

AGREEMENT

This Agreement entered into this 1st day of May, 1916 by and between Laura Levy and Bernard Levy, her husband, parties of the first part and David N. Foster, party of the second part, Witnesseth:

Whereas, said parties of the first part are the owners of lot four (4) in Walnut Place Addition to South Wayne now a part of the City of Fort Wayne, Allen County, Indiana, by purchase from Claire Pearl Foster Rahe and her husband on this date, and

Whereas, said party of the second part is the owner of Lot A in said Walnut Place Addition which said lot A adjoins said Lot number four (4) upon the South side thereof and Whereas it was a condition of the purchase of said lot 4 by said Levy that a driveway should be established on the South line of said lot 4 for the joint use of the owner of said lot and said lot A, one-half of said driveway to be upon each of said lots.

Now Therefore, it is agreed by and between the parties hereto as follows: That there shall be and is hereby established a driveway ten feet in width running the whole length of said lot four, said driveway to be located upon the South line of said lot 4, five ft. in width to be off of the south side of lot 4 and five ft. in width to be off of the North side of said lot A. Said driveway shall be constructed and forever kept and maintained in repairs at the joint expense and cost of the respective owners of said two several lots jointly as a driveway and an entrance way to their said several properties. Said driveway shall exist as a permanent driveway for an entrance to and egress from said two several properties and each of said parties hereby grants to the other the use of so much of said lot so owned by said grantor as may be necessary for the purpose of said driveway. Said grant being in consideration of the mutual covenants and agreements herein contained. Etc.

Bernard Levy
Laura Levy
David N. Foster 46
Miscel. Record 46 Pg. 161

Recorded May 1, 1916

March 14, 1927

Facts concerning the alley between Creighton Avenue and Pierce Avenue from South Wayne Avenue east:

1. The only portion of this alley legally vacated is abutting on the east and south of lot N. 5 Walnut Place Addition.

2. There is no record of the alley abutting on Lots Nos. 6 and 7 ever having been vacated.

3. In a recorded agreement between the property owners and the City wherein the property owners agreed to execute a warranty deed to convey a certain circular piece of land for a turn-around in the alley between Creighton Avenue and Pierce Avenue said deed was never executed, and in accordance with the recorded agreement the vacation is null and void and may be opened when the City so desires.

4. In disposing of Lot No. 8 the owner of the same at the time the agreement was executed made no mention of the circular tract when said lot was sold, as shown in Deed Recorded in Deed Record 194, Page 367, executed August 16, 1907.

111

PIERCE AVE

BLOCK

24

Scale 1/2" = 1'

Agreement

This Agreement made this 17th day of December, 1906 by and between the City of Fort Wayne, by and through its Board of Works, party of the first part, and Olaf N. Guldlin, Addie B. Guldlin, David N. Foster, Sarah P. Foster, James M. Barrett, Marian A. Barrett, Charles E. Bond, and Pearl Foster Rahe, parties of the second part, witnesseth, that

Whereas, the parties of the second part on the 25th day of October 1906 filed with said Board of Public Works their petition asking for the passage of a resolution calling for the vacation of portions of certain alleys situate in Walnut Place Addition to the City of Fort Wayne, and

Whereas, there is located at this time a sewer in the alleys so requested to be vacated by said petition, which was laid and constructed as a public sewer, previous to the filing of said petition by the City of Fort Wayne, and

Whereas the intersection of one of said alleys with Creighton Avenue in said City is paved with brick which the City heretofore paid for, now therefore,

It is agreed by the parties that if said City of Fort Wayne by and through its Board of Public Works, causes the vacation of the alley west of Fairfield Avenue, from Creighton Avenue to the alley South of Creighton Avenue, and the first alley South of Creighton Avenue from the West line of Lot 5 in Walnut Place Addition to the first alley West of Fairfield Avenue, that the parties of the second part shall not build or allow, cause or permit to be built on the portions of the alleys above described any building or structure of any kind what ever, without first obtaining from the said Board of Public Works, its permission in writing so to do, and will allow and permit it and the said City of Fort Wayne, hereby reserves the right to enter said portions of said alleys whenever in their opinion it is necessary so to do, for the purpose of cleaning, flushing and repairing the sewer or portions of sewers located thereunder.

It is further agreed by second parties that they will pay or cause to be paid to the City of Fort Wayne, before the passing of a resolution calling for the vacation of said alleys the entire and complete cost of the brick pavement on the intersection of Creighton Avenue and the alley first above described. The amount of such pavement and the cost of such pavement to be ascertained and determined by the City Engineer of the party of the first part and the amount so determined shall be binding and final on the parties hereto.

And parties of the second part further agree to execute or cause to be executed to the party of the first part a warranty deed of conveyance for a circular strip of land twelve (12) feet in width around a circle fifteen (15) feet in diameter which is designated and marked on a plat filed with said petition by the parties of the second part; reference to which plat is hereby made as a part hereof, for a more correct and definite description of the circular strip so to be conveyed by the parties of the second part, which strip when so conveyed is to be used for alley purposes and is located in the first alley south of Creighton Avenue running from South Wayne Avenue East.

It is further agreed that this agreement shall be binding upon the parties hereto; from and after the passage of a resolution confirming a declaratory resolution calling for the vacation of such parts of said alleys; and that in the event that the parties of the second part or any of them shall fail, neglect or refuse to carry out the conditions of this contract, on their part to be performed, that the same shall be null and void, and the entering into of this agreement shall not, in any way,

be construed to hereafter prevent the said City of Fort "ayne
by and through its proper authorities to cause to be again
opened if such authority may so desire, the alleys herein referred to.

The City of Fort "ayne
By E. J. Lennon
Henry Schwartz
Jesse Brosius

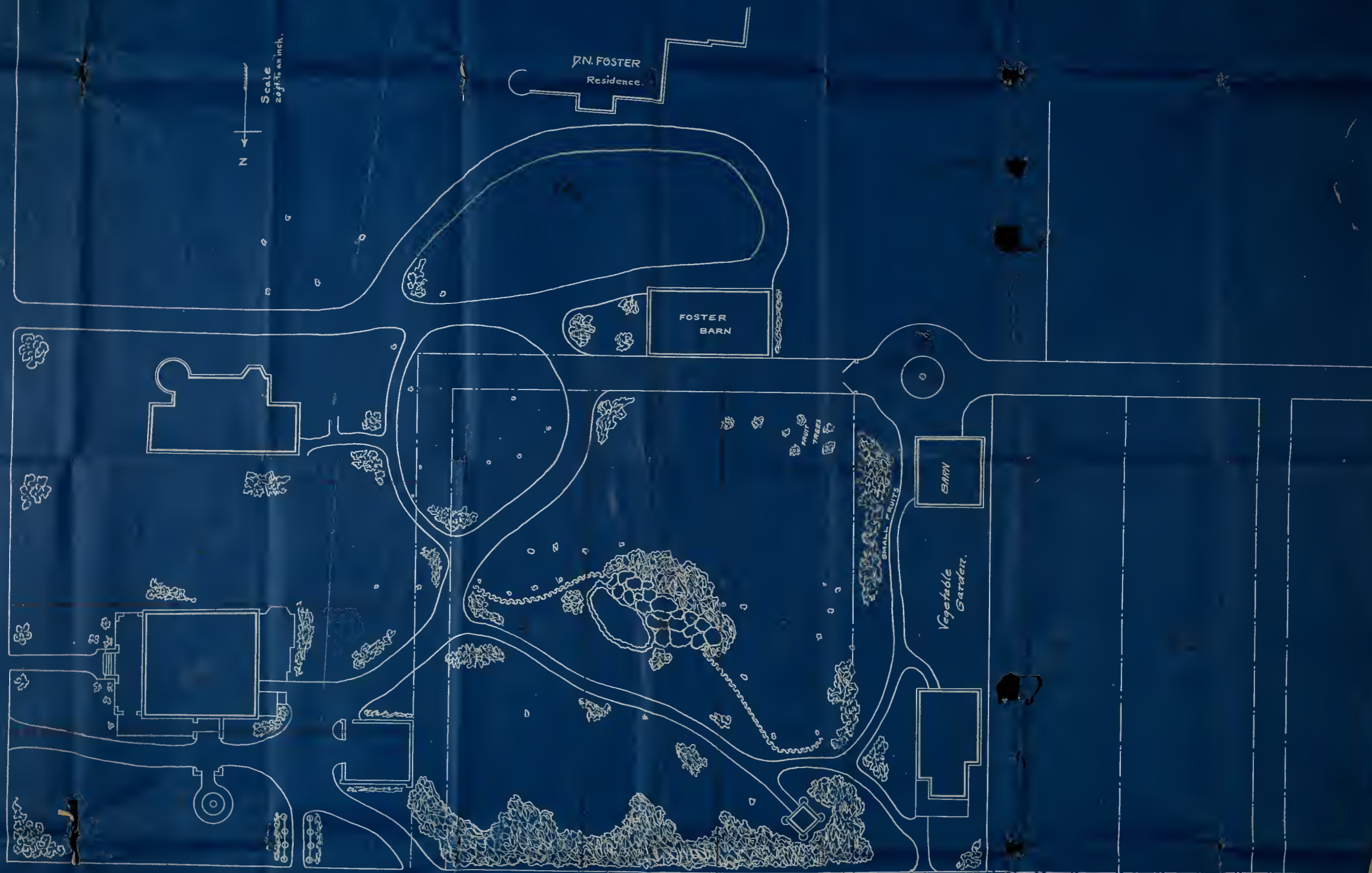
Board of Public "orks

Attest: Henry W. Becker, Clerk

Olaf N. Guldlin
Addie B. Guldlin by O.N.G.
David N. Foster
C. E. Bond
Sarah P. Foster
James M. Barrett
Marian A. Barrett
Pearl Foster Rahe

Recorded December 15, 1909

Miscellaneous Record 35 Pg. 511



THE GLOBE LEGAL WRAPPER, Patented Feb. 11, 1890. FIRST QUALITY.

DIRECTIONS.—Elevate the metal points—attach the manuscript—then bend the points down flat—dampen the gummed flap and stick it down—this fastens the papers and hides the metal.